

**DELAWARE COMMISSION OF VETERANS AFFAIRS
MEETING MINUTES
AUGUST 29, 2006**

Members Present: Morris, Endres, Harden, Lank, Lardizzone, Magner, Newstadt, Spitzfaden, Thompson, Wasson and Webb

Members Excused: Carroll, Kitson, Ennis and Timberman

Guests: Catherine Roberts (Quilts of Valor Program in Delaware), Mike Protac (Candidate for Senate), Dean Reid (Veterans Home Administrator), Brenda Dunning (Veterans Home Director of Nursing), Al Carter (SOS), Tom Daws and Terry Baker (VVA), Burton Barr (NARFE), Dave White (DOL), Ron Sarg (MOAA), and David Ramsey (Elks 2540)

The meeting opened with the Pledge of Allegiance to our Nations Flag.

Chairman Morris mentioned that Commissioner Timberman has not been well and is expected to be out for the rest of the year. He reported that the "fact finding trip" to New Hampshire went very well; they were able to gather a lot of good information about the New Hampshire Veterans Home. Chairman Morris will meet with the legislative committee to discuss information gathered.

Ms. Roberts, the founder and director for the Quilts of Valor Foundation, explained the program. She asked for contributions and left literature for interested individuals.

Mr. Protac announced that he was running for the US Senate. He shared a story about an injured veteran, encouraged everyone to protect the flag, and left literature.

Mr. Reid gave an update about the Veterans Home construction and outlined how things were progressing administratively. He announced that he passed the Nursing Home boards. As part of his outreach efforts he has set up a briefing with MOAA and will be attending the Elks Lodge Regional Conference in October. Mr. Reid discussed some of the changes that have been implemented to the Veterans Home admissions package. Mr. White questioned when they would be hiring the clinical positions for the Home and Mr. Reid estimated that they would begin hiring during the October timeframe. Ms. Dunning interjected that the job postings would also be available online at <http://www.state.de.us/vethome>.

Mr. Baker raised the issue of a recent ruling made to change how claims will be evaluated in reference to Agent Orange relating to diabetes for veterans that were offshore during the Vietnam War, discussion followed. Mr. Daws reported that he had received a call by a party who is interested in establishing a Gold Star Mothers Memorial in the State of Delaware.

Mr. Barr mentioned that he felt that getting veterans issues through in the upcoming legislative session was going to be an uphill battle. He stated that he would not be back for a Commission meeting until next March. He was working on getting the local Elks Lodges active in participating in Veteran Home activities and introduced David Ramsey from the Elks 2540.

**MOTION BY HARDEN TO ACCEPT JULY COMMISSION MEETING MINUTES, SECONDED BY WASSON,
MOTION CARRIED.**

COMMITTEE REPORTS

CEMETERY COMMITTEE

Commissioner Newstadt announced that the Southern Family Advisory Cemetery Committee (FACC) had their semi-annual meeting on August 24, 2006. Attendees were provided with an update on the progress being made toward improvements at both the Southern and Northern Cemeteries. There will be a meeting with the Northern FACC on October 17, 2006. He announced that there has been good progress made with the new online registration of interments for the funeral directors. He reviewed the cemetery interment handout and mentioned that they were taking a look at the current admissions criteria.

COMMEMORATIVE AFFAIRS

Commissioner Harden reported that she has a speaker lined up for the Veterans Day Ceremony at the bridge.

FINANCE AND LOGISTICS

Commissioner Lank reported that the Veterans Home fund balance was \$66,900.73 and the Friends of the Veterans Home fund was \$450,647.00.

LEGISLATIVE AFFAIRS

No report.

PERSONNEL

Commissioner Lardizzone reported that an employee at the Northern Cemetery has passed away. In an attempt to replace him they have called an individual on the cert list and he is scheduled for an interview.

MONUMENTS & MEMORIALS

No report.

HOME DEDICATION

Commissioner Harden reported that everything is going well and the paperwork for the one-day insurance policy for the Secretary of State is in place. There was a short discussion about the opening of the Veterans Home.

PUBLIC RELATIONS

No report.

BY-LAWS

No report.

ORGANIZATIONAL REPORTS

Magner (AMVETS) – Reported that AMVETS is currently having their National Convention in Reno, NV. AMVETS Delaware is the first chapter that has been sanctioned for AMVETS Riders, which is a motorcycle group. They have been recognized by national, have received their charter and are currently looking for members.

Lardizzone (DAV) – Reported that they had their National Convention and that he was sworn in as the NEC of District 4 for the next 2 years. They turned the new 2006 Ford Freestar van over to the VA on July 28, 2006, and it is now stationed in Dover. At the convention, Harley Davidson presented a check to DAV for \$1M. They will be donating every year and have signed a contract between DAV and Harley Davidson to take care of disabled veterans.

Thompson (MCL) – Announced that two detachments are collecting paperback books for the USO and hardback books for the Veterans Home.

Harden (WAVES) – Reported that WAVES Nat'l has awarded their two scholarships for this year. One went to an individual whose scholarship submission was titled "Typewriter Sailors, unsung heroines of the Sea Service". The second one went to a scholarship submission titled "Navy Women in Aberration and Space". She met with Mr. Citron about the possibility of having a welcoming party for the new Veterans Women's Coordinator, Martha Wallin.

Spitzfaden (MOAA) – Reported that with the outreach program he expects efforts for the Home to extend to all the Delaware chapters. Commissioner Newstadt added that the Wilmington MOAA will have their luncheon on September 14, 2006.

Newstadt – (JWV) – Mentioned that on September 17, 2005, 12:00 noon, they are rededicating the KIA Circle at the Faulk Rd Cemetery. He announced they have purchased nine new television sets for the Wilmington VA Hospital and they have been installed.

Morris (American Legion) – American Legion has just begun their National Convention in Salt Lake City, UT. Some of the members rode out on motorcycles to raise funds for the legacy fund, which is for the children and dependents of veterans who have been killed.

UNFINISHED BUSINESS

Chairman Morris asked Mr. Carter if he had heard an update about Voices of World War II Program sponsored by the Lt. Governor. Mr. Carter indicated that there was going to be additional showings in Seaford and Dover in the near future.

NEW BUSINESS

Mr. Carter brought up the issue of the admissions criteria for the Veterans Home and controversy surrounding this subject. He said that one of the problems that they are finding is that a number of people in the state of Delaware come in and go out. Our admission criteria for both the Home and Cemeteries are becoming an issue. We may not be servicing all the veterans that either lived in this state, went into the service from this state and have families here, or may have moved into and out of this state at one time or another. We are going to get requests, mainly for the Veterans Home, from a number of Delaware residents who have left the state at sometime throughout their life. He does not have a problem with the residency requirement on the Home from a prospective of dividing priority admission, but he does have a problem with not even being able to take applications from people who went into the service from this state or who where long term residents of this state and then moved somewhere else. Whether it was to move out of the state with their children or to move to Florida, but their family is here. Telling them they cannot apply because they have not lived in the state for 3 years is something that he thinks the Commission should look at from the prospective that they are veterans. You just don't want to tell them no, from the political side of that equation, it is difficult for politicians to tell people you can't even apply. Whether or not the decision is made, whether you can be admitted is a different animal. How you prioritize admissions is totally different, but to tell someone that has lived in the state for 40 years and then they moved out of state, that now they cannot even apply for admission to the Home or the Cemetery is a political issue. He has talked to some of the leadership in the General Assembly concerning that exact ruling and quite frankly they are a little surprised that that would exit. He does not want to get into an argument over this thing, but the criteria as it is listed on the admissions to the Home, you must be a resident for 3 years prior to the application, which is very restricted if you think about it. Ok, you can obviously put that you moved out, you have been out and you want to come back here to where your family is and you want to be admitted to the Home. You could give priority to people that where resident 3 years prior to the application; that is fine, but being able to tell someone that has lived in this state for 40 years or 30 or 20 that you are not even eligible for the Home is going to be difficult for a number of people to understand, including the families and spouses and all those people who are constituents and they are all voting. So his appeal is not for himself, but for you all to look at that criteria and get an understanding of what it means. Ok, what it means is that you can't apply and you know we're here, at least I think you all are here to service veterans. Whether they were veterans that lived here and moved out or whether they are veterans who lived in Florida and moved here. What I am trying to get at is if we have someone who lived in Massachusetts and just moved here 3 years ago, then they are eligible to apply, but somebody who lived here for 25 years, went into the service from here and moved with their daughter to Virginia and decided this is where their family is, this is were they want to be buried or go to the Veterans Home and they are not eligible? I think it is something we need to look at and something we need to look at quickly, because we all need to get out into the general public and put the criteria on the table and start as Dean is going to be doing soon. We have a list of names, we have to go out and actually talk to these people and get them signed up and we need to all be on the same page.

Chairman Morris said that the pamphlet which was brought up, was handed to you at the last meeting, and was gone through. You all revised and looked through that pamphlet to make any recommended changes and so forth. At that time the motion was made and the only thing that needed to be done were more esthetics. We discussed what looks should be on the front, some of the other comments and so forth. The motion was made and we sent this to the committee for them to process and put out. This Commission has made their decision up to that time. In the committee meeting a very long discussion took place about this three year requirement, which we did not discuss in general committee. One of the reasons it is back here today is because it was felt that the full committee should meet on this and make the decision. Before he gives his opinion, one way or the other on which way this should go, my question is: Does this Commission feel that this should be brought back from the Committee at this time, for re-discussion on the admissions criteria?

Commissioner Lank expressed that he thought it should be.

Chairman Morris asked if the full Commission was in compliance to bringing this issue back out of Committee for a full discussion. He asked for a show of hands. Seven members did not want it to come out of Committee and three members felt it should come out of Committee for the full Commission to vote on.

Commissioner Lank felt there should be discussion before the Commission voted on anything. He felt it was exactly as Mr. Carter was describing it. A National Guardsman who lived here most all of his life and who is now living out of state, would probably like to come back and go into the Home. That was the point he was trying to make before, but all the organizations have sort of said the three year rule, but it is kind of hard to explain to a man that he is not eligible to apply. What if you knew someone who lived in New Hampshire and he decided to spend three years in Delaware so he could get into the Home. It is kind of hard to say one guy is eligible and one guy is not. So I think the application aspect of this thing is very important, particularly to satisfy, not only satisfy, but perhaps to even consider the fact, that this guy is qualified more so than the three year guy.

Commissioner Newstadt stated that his vote not to bring it out to the Commission was predicated by the fact that we have not closed the door to changing the criteria. We are leaving it with the Committee as a working group, who he thinks would be logical. Let the Committee come up with several options, present those options to the Commission as a whole, and then we can make a decision.

Chairman Morris stated that the Committee took the information that was printed in the document, which was presented and voted on, to go as published, with the recommendation of the Executive Director, who may make some possible changes.

Commissioner Newstadt wanted to make the motion that the criteria be given back to the Committee and the Committee be tasked to present two or more options relative to residency requirements to the whole Commission. The motion was seconded by Commissioner Lank. Chairman Morris put it up for discussion.

Chairman Morris stated that the Commission has made its decision known twice before the entire group. Once when they put it into the Committee and once when they voted, before deciding to discuss it. We have made a commitment to the current veterans of the State of Delaware. We were chastised in the newspaper that this was going to end up being a political issue and that is exactly what Mr. Carter is explaining to us now. It is already becoming a political issue. I understand, but you are telling me, you already stated here that you have discussed this with general assembly people who are going to make an issue of it. If the Commission, who has been given oversight, can't make that decision without outside influences, then we are not going to be able to have oversight. We all made decisions in our military careers and we've not always liked the decisions we had to make. But the basis that Commissioner Lank has produced, the gentleman voluntarily left the state after X number of years. There are 80,000+ veterans who are current tax paying members of the State of Delaware who we owe after this fight of over 10 years. We owe them the consideration of them meeting the criteria, it is not an unprecedented move or without value. There are other state statutes that require state residency requirements that do not have an exception in it. The Cemetery's issue has an exception written in for the way the law is written. There is nothing that says an individual who does not live in this state cannot ask for a waiver from the Commission. I know Commissioner Lank, he said well what if I'm not even going to tell the guy this is an option, but there is always an option. The key is that we have a Cemetery that will hold thousands of people who are deceased and we have a Veterans Home that will hold only 150 people. Yes, there are options later on down the line for the Commission, which was given the right to make rules and policy. We can revisit the issue later on if necessary.

Commissioner Magner said he has been doing some writing and he is not sure if this is the time to bring it out, but underneath the residency they could put under 2, sub paragraph 2a, the request for a waiver will be accepted based on past residency and/or entry into service from the State of Delaware. It would give them the option to apply, but it would have to be reviewed.

Commissioner Lardizzone stated that when they were discussing getting a Veterans Home and they were looking at other states' criteria, some of their residency requirements were 5 and 10 years. So our 3 years for Delaware is valid since other states' criteria are harder than ours. We compromised and brought it down to 3 years, some of our Commissioners wanted 10 years.

Mr. Carter said he agreed with all that was said here. He looked at Texas and Oklahoma, and he even looked at Massachusetts. Delaware is the second smallest state in the union, we have only 80,000 veterans. Some other states have millions of veterans and there has to be some difficult decisions made. Most of the homes have a residency requirement, but they also have other rules that allow people who have their Home of Record in Delaware to be eligible. I am allowed to

go to the Tennessee Veterans Home because I was a resident of Tennessee at school when I went into the service. Most of them had a provision in some manner that allowed long term residents of the state if that was their Home of Record. It was a political thing, it is what it is. It is a volatile issue that could become a political issue; when you start telling people no, it becomes an issue. Now the Commission in the past has said no to certain things. I think they said no to naming things after people and we are looked at and overridden by the State legislature. I think, and I can't sit here and tell you, but I have a notion that if you leave a very limited criteria on the table, you are setting yourselves up to be looked at and reviewed by the General Assembly, and that requirement being changed. Because you are dealing with the constituents of the veterans, not the veterans.

Chairman Morris - I understand that and when we went to New Hampshire their requirement is strict also; they have only a 1 year criteria, but it has no exceptions.

Commissioner Webb - This is a personal thing with me. I can see rearranging the wording a little bit so they can apply. But I know how this whole thing is going to end up, if they don't, you are going to end up with a Veterans Home full of generals who used to live in Delaware. If the guy that is causing the problem was a private, this would not be an issue.

Mr. Carter - Generals did not go into the service as generals. Generals went in just like the rest of us and if they rose to the rank of general, then God love 'em. It's not that they were a general, but just that they were a veteran and they need to be looked at just like anybody else. And I for one, being a veteran, would feel somewhat disposed if I happen to move to Florida for a couple of years and I lived in Delaware forever and then couldn't come back here and even apply to this Home.

Commissioner Spitzfaden - I have listened to this confrontation a couple of times now. Al, there is another side to that coin that you keep referring to and you keep saying it is not political. If you would allow a waiver or an exception, then that starts the political issue.

Mr. Carter - I agree.

Commissioner Spitzfaden - We are trying to put this issue to sleep, leave it as it is. These people who are out of state, these veterans, they have another Home to go to. It is as simple as that.

Mr. Carter - Lou, I wish it was that simple.

Commissioner Spitzfaden - Well, it is that simple, if you make it, it will be that simple.

Commissioner Magner - The priority is going to go to current residents of the State of Delaware.

Mr. Carter - And I have no problem with that.

Commissioner Magner - We are going to fill those beds up very quickly.

Commissioner Lank - As you know, I am concerned about this guy. I don't care if he is a general or a private, but the point is that he spent most of his life in this state and he decided to move where his family is. He has two sons in the area where he is living and that is the reason he basically moved there. Now it is true, what Lou is saying, that he could possibly go into a Home there. But that is not where he wants to be, he wants to come back home and be here in the State of Delaware. And to me, what we are suggesting is the word "apply" that is the key word. If you refuse to let him apply, you are creating a very political issue. And I guarantee this guy will go to his politicians that he knows in Delaware, and he knows near every one of them, and that is the problem.

Chairman Morris - In response to that editorial that was written, I stated that this Commission would try its best to not let this be political and it already has started. I am not going to go any further with this discussion. We could argue and discuss this for another half an hour. There is a motion on the floor to bring this back for another look on changing the wording in the document before it goes to print. All in favor of reviewing the resident requirement, signify by raising their hand, there are two. All opposed, signify by raising your hand. The motion has been defeated; the publication will go forward as approved by the Commission.

Mr. Carter - It is what it is.

Chairman Morris - We need to get that document out so the social workers can get started.

ITEMS FOR THE GOOD AND WELFARE OF THE ORGANIZATION

Chairman Morris commented that the public relations personnel will get together and put something in the newspaper to make sure that the public knows the Commission is doing something for them. Commissioner Newstadt made comments about residency policies. Chairman Morris announced that the Commission elections will take place at the September meeting.

DATE OF NEXT MEETING: SEPTEMBER 26, 2006 (11:00 AM)

**LOCATION: Robbins Bldg, 802 Silver Lake Blvd, Suite 100
Dover, DE**

ADJOURNED